



# Health and Care Act 2022

## 2022 CHAPTER 31

### PART 1

#### HEALTH SERVICE IN ENGLAND: INTEGRATION, COLLABORATION AND OTHER CHANGES

##### *Miscellaneous*

#### **91 Hospital patients with care and support needs: repeals etc**

- (1) In the Care Act 2014—  
(a) for section 74 substitute—

##### **“74 Discharge of hospital patients with care and support needs**

- (1) Where a relevant trust is responsible for an adult hospital patient and considers that the patient is likely to require care and support following discharge from hospital, the relevant trust must, as soon as is feasible after it begins making any plans relating to the discharge, take any steps that it considers appropriate to involve—  
(a) the patient, and  
(b) any carer of the patient.
- (2) In performing the duty under subsection (1), a relevant trust must have regard to any guidance issued by NHS England.
- (3) For the purposes of this section, a relevant trust is responsible for a hospital patient if the relevant trust manages the hospital.
- (4) In this section—  
“adult” means a person aged 18 or over;  
“carer” means an individual who provides or intends to provide care for an adult, otherwise than by virtue of a contract or as voluntary work;

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*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 91. (See end of Document for details)*

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“relevant trust” means—

- (a) an NHS trust established under section 25 of the National Health Service Act 2006, or
  - (b) an NHS foundation trust.”;
- (b) omit Schedule 3 (assessment notices etc in relation to the discharge of hospital patients with care and support needs).
- (2) The Community Care (Delayed Discharges etc) Act 2003 is repealed.
- (3) In consequence of subsection (1)—
- (a) in section 14 of the Coronavirus Act 2020, omit subsection (8);
  - (b) the Care and Support (Discharge of Hospital Patients) Regulations 2014 ([S.I. 2014/2823](#)) are revoked.
- (4) In consequence of subsection (2)—
- (a) in Schedule 1 to the Local Authority Social Services Act 1970, omit the entry relating to the Community Care (Delayed Discharges etc) Act 2003;
  - (b) in the Children Act 1989—
    - (i) in section 17ZA(6)(b), omit sub-paragraph (iii);
    - (ii) in section 17ZD(8)(b), omit sub-paragraph (iii);
  - (c) in Schedule 2 to the [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), in Table 1—
    - (i) in the English language text, omit the entry relating to the Community Care (Delayed Discharges etc) Act 2003;
    - (ii) in the Welsh language text, omit the entry relating to Deddf Gofal Cymunedol (Rhyddhau Gohiriedig etc) 2003.

**Commencement Information**

- I1** S. 91 not in force at Royal Assent, see [s. 186\(6\)](#)
- I2** S. 91 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Care Act 2022, Section 91.